

2/20/02 Jrs  
11IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHRISTOPHER LEROY PETERSON,	:	CIVIL ACTION NO. 1:CV-01-0972
	:	
Plaintiff	:	(Judge Kane)
	:	
v.	:	(Magistrate Judge Blewitt)
	:	
SCI CAMP HILL,	:	
	:	
Defendant	:	

FILED  
SCRANTON

FEB 20 2002

PER

DEPUTY CLERK

**REPORT AND RECOMMENDATION**

Presently pending before the Court is Defendant's Motion for Involuntary Dismissal which was on filed January 18, 2002. (**Doc. 9**). That motion is the subject of this Report and Recommendation.

On November 8, 2001, a Report and Recommendation was issued recommending that the Defendant's motion to dismiss the complaint be granted, but that the Plaintiff be afforded the opportunity to amend his complaint. (Doc. 7). On December 8, 2001, an Order was issued adopting the Report and Recommendation. (Doc. 8). The order also afforded the Plaintiff thirty (30) days from the date of the order to file an amended complaint. The matter was then remanded to the undersigned for further proceedings. The amended complaint, which was to have been filed on or before January 7, 2002, has not been filed by the Plaintiff.

On January 18, 2002, the Defendant filed a motion for involuntary dismissal and a supporting memorandum seeking dismissal of the complaint based upon the Plaintiff's failure to file the amended complaint as ordered. (Docs. 9 and 10). The Plaintiff has failed to file an amended

complaint, and the time in which to file a brief in opposition to the motion for dismissal has long since passed. The Plaintiff has not sought an extension of time either to file the amended complaint or to oppose the Defendant's motion.

It is therefore recommended that the motion be deemed unopposed pursuant to Rule 7.6 of the Rules of Court of the United States District Court for the Middle District of Pennsylvania. It is further recommended that the motion be granted and the matter be involuntarily dismissed pursuant to Fed.R.Civ.P. 41(b).

  
THOMAS M. BLEWITT  
United States Magistrate Judge

Dated: February 20, 2002

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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Plaintiff	:	
	:	(Judge Kane)
v.	:	
	:	(Magistrate Judge Blewitt)
SCI CAMP HILL,	:	
	:	
Defendant	:	

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the undersigned has entered the foregoing  
**Report and Recommendation** dated **February 20, 2002**.

Any party may obtain a review of the Report and Recommendation pursuant to  
Rule 72.3, which provides:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within ten (10) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the

magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

A handwritten signature in black ink, appearing to read 'T. M. Blewitt', written over a horizontal line.

**THOMAS M. BLEWITT**  
United States Magistrate Judge

Dated: February 20 2002